

1  
2  
3  
4  
5  
6  
7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
9

10 CODY LEAVITT,

11 Petitioner,

12 vs.

13 DWIGHT NEVEN, *et al.*,

14 Respondents.  
15

)  
)  
) Case No. 2:12-cv-00987-JCM-CWH  
)  
)

**ORDER**

16 This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a  
17 Nevada state prisoner represented by counsel.

18 On October 15, 2013, petitioner filed an amended petition and exhibits in support of the  
19 amended petition. (ECF Nos. 35 & 36). On November 5, 2013, respondents filed a motion to strike  
20 the amended petition because the exhibits filed with the amended petition were not properly marked  
21 pursuant to Rule 10-3(a) of the Local Rules of Civil Practice. (ECF No. 38). On November 19,  
22 2013, petitioner filed an errata to the exhibits in support of the amended petition, correcting the  
23 exhibits by properly marking them. (ECF No. 39). Respondents have filed a motion to withdraw  
24 their motion to strike, in light of petitioner's correction of the exhibits. (ECF No. 40). The motion  
25 to withdraw is granted.  
26

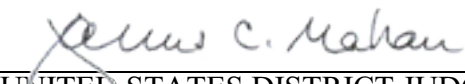
1 Respondents have also filed a motion for an extension of time in which to file a response to  
2 the amended petition for a writ of habeas corpus. (ECF No. 41). Respondents seek a 60-day  
3 enlargement of time, up to and including February 17, 2014, to file a response. Having reviewed the  
4 motion and good cause appearing, respondents' motion is granted.

5 **IT IS THEREFORE ORDERED** that respondents' motion to withdraw (ECF No. 40) their  
6 motion to strike (ECF No. 38) is **GRANTED**.

7 **IT IS FURTHER ORDERED** that respondents' motion to strike (ECF No. 38) is  
8 **WITHDRAWN**.

9 **IT IS FURTHER ORDERED** that respondents' motion for an extension of time to file a  
10 response to the amended petition (ECF No. 41) is **GRANTED**. The response shall be filed on or  
11 before **February 17, 2014**.

12 Dated this 26th day of December, 2013.

13  
14   
15 UNITED STATES DISTRICT JUDGE  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26